

A bill for the relief of Daniel R. Kincheloe, Sam. S. Montgomery, the heirs of Jesse N. Flowers, the heirs of Virgil A. Stewart and the heirs of John Thomas, dec'd, was taken up and read 1st time.

Rule suspended, bill read 2d time and referred to the Committee on Private Land Claims No. 1.

On motion of Mr. Taylor of Fannin, the Senate adjourned until to-morrow morning at 8 o'clock.

WEDNESDAY, August 27th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday, was read and adopted.

Mr. Bryan, Chairman of the committee on Education, made the following report :

The committee on Education to which was referred "A bill to authorize the disposition and sale of the University lands, have considered the same and instruct me to report the bill back with the accompanying amendments, recommending their adoption and the passage of the bill.

Amendments : Fill the blank in 7th section, with \$8 00.

Insert at the end of 12th section, the words, "provided that said bid shall not be less than \$3 00 per acre."

On motion of Mr. Allen, the rule was suspended, the bill and report taken up, read, and the report amended by striking out "\$8" and inserting "\$5."

The report was then adopted and the bill passed to 3rd reading.

Rule further suspended, bill read 3d time and passed.

Mr. Taylor of Cass, chairman of the committee on Public Debt, to which was referred A bill for the relief of Thomas G. McGehee, reported the same back and asked to be discharged from its further consideration.

Mr. Flanagan, chairman of the committee on Internal Improvements, to which was referred A bill to incorporate the Nueces and San Patricio Shell Road and Bridge Company, reported the same back with the accompanying amendment, and recommended its adoption and the passage of the bill.

Amendment : Add to 6th section, "and the County Court of Nueces shall have the power, and it is hereby made the duty of said County Court, where the bridge is situated, to

regulate the rate of tolls annually, but they shall not, in any year, exceed the rates of this charter."

On motion of Mr. Hill, the rule was suspended, bill and report taken up, and the report adopted, and bill passed to 3d reading.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Russell, Superviele, Truit, White and Wren—21.

NAY—Mr. Taylor of Cass.

Mr. Flanagan, chairman of the same committee, to which was referred A bill amendatory of, and supplemental to an act to establish the Galveston and Red River Railway Company, and the several acts supplemental thereto : have instructed me to report the same back and recommended its passage.

On motion of Mr. Palmer, the rule was suspended, the bill taken up, read and ordered to be engrossed.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McCulloch, McDade, Maverick, Millican, Palmer, Russell, Scarborough, Superviele and Whitaker—18.

NAYS—Messrs. Martin, Taylor of Cass, White and Wren—4.

Mr. Flanagan, chairman of the same committee, to which was referred A bill to incorporate the Mexican Gulf and Rio Grande Railroad Company, reported the same back and recommended its passage.

On motion of Mr. Hord, the rule was suspended, bill taken up, read, and passed to 3d reading.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McCulloch, Martin, Maverick, Millican, Palmer, Pedigo, Russell, Scarborough, Superviele, Taylor of Fannin and Whitaker—20.

NAYS—Messrs. White and Wren—2.

Mr. Hill, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to which was re-

ferred the House bill for the relief of M. P. Sharp, find upon examination, that said Sharp claims pay for three month's services in the Ranging company of Capt. Bird, in 1839. The committee are satisfied that the claim is just and unpaid, and they have therefore instructed me to report the bill back and recommend its passage.

On motion of Mr. Hill, the rule was suspended, bill taken up, read, and passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

Mr. Taylor of Fannin, chairman of the committee on Private Land Claims No. 1, to which was referred A bill for the relief of Thomas O. Moody, reported the same back for the consideration of the Senate.

On motion of Mr. Whitaker, the motion to reconsider the vote passing A bill to fix the time of holding the District Courts of the 5th Judicial District—was taken from the table.

There being no objection, Mr. Pedigo then withdrew the motion to re-consider.

On motion of Mr. Superviele, A bill to authorize the Commissioner of the General Land Office to issue patents and certificates in Castro's Colony, in certain cases—was taken up, and read 1st time.

On motion of Mr. McCulloch, the rule was suspended, and bill read 2d time.

On motion of Mr. Taylor of Fannin, the bill was referred to the committee on Public Lands.

Mr. Hord presented the memorial of Charles E. Travis.

On motion of Mr. Hord, it was referred to a Joint Select Committee.

The President appointed Messrs. Hord, Hill and Maverick, the committee on part of the Senate.

On motion of Mr. Taylor of Cass, A bill to amend the 1st section of an act passed at the present session, entitled an act for the relief of E. B. Prater—was taken up and read 1st time.

Rule suspended, bill read 2d time and passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. Flanagan, A bill to create the Jamestown Academy, was taken up and read 1st time.

Rule suspended, the bill read 2d time and passed to 3d reading.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Russell, Taylor of Cass, Tuit, Weatherford, Whitaker, White and Wren—21.

NAYS—Mr. Taylor of Fannin—1.

Mr. Flanagan, chairman of the committee on Internal Improvements, to which was referred the bill to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado Railway company, reported the same back with amendments and recommended the adoption of the amendments and the passage of the bill.

Amendment: "Provided, That before said company shall be entitled to the benefits of this act, they shall keep their principal offices on the line of said road, during the continuance of their charter, with all the books, papers and accounts of said company, which shall at all times be subject to the inspection and examination of any stockholder of said company; and provided, that a majority of the Directors of said company shall be required to reside in the State of Texas, and all elections of Directors and other officers shall be held in said State; and provided further, that the act to regulate railroad companies, approved 7th February, 1853, shall apply to this charter, except so far as relates to the gauge of the same, and that nothing in this act shall be so construed as to effect the right of the State to repeal or modify the act of January 30th, 1854, entitled an act to encourage the construction of railroads in Texas by donations of land; provided, that the rights to lands acquired before said repeal or modification, shall in all cases be protected.

On motion of Mr. Caldwell, the rule was suspended, and bill and report taken up and read.

Mr. Caldwell offered the following as a substitute for the amendment offered by the committee:

"Provided, that before said company shall be entitled to the benefits of this act, they shall establish a principal office on the line of said road, and keep thereat all the books and papers necessary to show the State of their general and stock accounts, which together with the records of the company, shall be subject at all reasonable times to the inspection and examination of the Stockholders; and provided, that a majority of the Directors of said company shall be required to reside in the State of Texas, and all elections of directors and other officers shall be held in said State, and the directors

may vote by proxy; and provided further, that the act to regulate Railroad Companies, approved February 7th, 1853, shall apply to this charter, except so far as relates to the gauge of said road, and that nothing in this act shall be so construed as to affect the rights of the State to repeal or modify the act of January 30th, 1854, entitled an act to encourage the construction of Railroads in Texas, by donations of land; provided, that the rights to lands acquired before said repeal or modification, shall in all cases be protected."

Adopted.

The report was then adopted and the bill passed to 3rd reading.

On motion of Mr. Caldwell, the rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Russell, Scarborough, Superviele, Trait, Weatherford and Whitaker—20.

NAYS—Messrs. Taylor of Cass and Taylor of Fannin—2.

Mr. Taylor of Fannin, chairman of the committee on Private Land Claims No. 1, to which was referred A bill for the relief of Daniel R. Kincheloe, Sam. S. Montgomery, the heirs of Jesse W. Flowers, the heirs of Virgil A. Stewart and the heirs of John Thomas, dec'd.; reported the same back to the Senate for its consideration.

Mr. Grimes introduced A bill to amend the 2d section of an act to incorporate the Sabine and Rio Grande Railroad Company—read 1st and 2d times and referred to the committee on Internal Improvements.

Mr. Palmer introduced A bill to incorporate the Galveston Orthological Club—read 1st time.

Rule suspended, bill read 2d time and ordered to be engrossed.

Rule further suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Armstrong, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Maverick, Millican, Palmer, Pedigo, Russell, Scarborough, Superviele, Taylor of Cass, Trait, Weatherford, Whitaker and White—21.

NAY—Mr. Martin—1.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the House :

A bill to amend the 1st section of an act passed at the present session, entitled an act for the relief of E. B. Prater.

A bill to prevent slaves from carrying guns or other dangerous weapons.

A bill for the relief of Alpheus D. Neill.

" " " " " Charlotte D. Ross.

" " " " " J. H. Barnard ; and

A bill to amend the 2d section of an act entitled an act to incorporate the Marshall University.

On motion of Mr. Russell, A House bill to prevent slaves from carrying guns or other dangerous weapons, was taken up and read 1st time.

On motion of Mr. Caldwell, the rule was suspended, bill read 2d time and referred to the committee on State Affairs.

On motion of Mr. White, A bill for the relief of W. H. Mayo, C. F. Whittington and M. S. Clare, was taken up, read 2d time and ordered to be engrossed.

On motion of Mr. White, the rule was suspended, bill read 3d time and passed.

Mr. Burroughs introduced A bill for the relief of John Dillon, Jr.—read 1st time.

On motion of Mr. Burroughs, the rule was suspended, bill read 2d time and ordered to be engrossed.

On motion of Mr. Scarborough, the rule was further suspended, bill read a 3d time and passed.

On motion of Mr. McDade, A House bill for the relief of Alpheus D. Neill, was taken up and read 1st time.

Rule suspended, bill read 2d time and passed to a 3rd reading.

Rule further suspended and bill read 3d time.

Mr. Weatherford moved to amend by striking out 1 league and inserting "640 acres"—lost.

The bill was then passed by the following vote :

YEAS—Messrs. Armstrong, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pedigo, Scarborough, Superviele, Taylor of Cass, Truit, White and Wren—18.

NAYS—Messrs. Burroughs, Guinn, Russell, Weatherford and Whitaker—5.

On motion of Mr. Flanagan, A bill to prohibit the sale of intoxicating liquors within one mile around Jamestown and Starrville, in Smith county, was taken up and read 1st time.

Rule suspended, bill read 2d time and passed to a 3d reading.

Rule further suspended, bill read 3d time and passed.

Mr. Taylor of Cass, from the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor, viz :

A bill to authorize C. C. DeWitt, of Gonzales county, to construct a bridge across the Guadalupe river, near the town of Gonzales.

A bill defining the time of holding the Courts in the twelfth Judicial District.

A bill for the relief of Basil Lamar.

" " " " " " Samuel B. Dickenson.

A Joint Resolution.

A bill to amend an act to change the 6th and 9th Judicial Districts of the State of Texas, and to define the time of holding Courts therein; approved 18th December, 1855.

A bill supplementary to and amendatory of an act to incorporate the Brazos Branch Railroad Company, approved February 10th, 1854.

A bill to authorize S. P. Sawyer to construct a bridge across Walnut Creek, in Travis county.

A bill to organize the 17th and reorganize the 2d Judicial Districts and define the time of holding Courts therein; and

A bill to authorize the Commissioner of the General Land Office to issue patents upon certain surveys made on the Islands of Mustang, Matagorda, St. Joseph and Hog.

On motion of Mr. White, A bill to provide for the payment of Fees in State cases, was taken up, and read 1st time.

Rule suspended and bill read 2d time.

On motion of Mr. Flanagan, the bill was referred to the committee on the Judiciary.

Mr. Millican, chairman of the Select Committee, made the following report :

The Select committee, to which was referred a resolution instructing them to inquire into the propriety of republishing certain evidence in relation to certain land titles in Texas, have had the same under consideration, and in the opinion of the committee, such information as is contained in the pamphlet of evidence alluded to, is essentially necessary in order to present that class of claims in their true light before the present population of Texas ; in other words to show the suspicion that rests upon that class of claims commonly known as "eleven league claims." The evidence desired to be republished is the testimony of about twenty individuals, sum-

moned by the authority of Congress, to attend its session in 1840, for the purpose of perpetuating evidence in relation to the land titles of the country. The evidence over the proper signature of each individual, in his own proper person, taken before a Joint Committee of the Senate and House of Representatives of the Congress of the late Republic of Texas, sufficiently explains itself, showing conclusively that the class of claims above alluded to, were in many cases not only doubtful but spurious from the beginning. The committee is well aware that it will be urged that there is no necessity for republishing this evidence, for the reason that it is published in the Journals of the Congress of 1840. True, in the appendix of 1840, attached to the journal of that session, all this evidence will be found; but who now has those journals in his possession. Many legal gentlemen of high attainments in our State never knew that such contingencies in the shape of testimony, was hanging over that particular class of claims. In the opinion of the committee, it is not for the mere benefit of the old Texan, the remainder of the old "three hundred," but it is in order to disseminate information throughout the whole length and breadth of our young and prosperous State, thereby enabling all classes of emigrants who are not familiar with the history of the "eleven league" claims in Texas, to form some idea in reference to their origin. The committee at this late day in the session, cannot be expected to do justice in every respect to a subject of such magnitude, which, in the opinion of the committee, deserves the consideration of every reflecting mind in Texas, not only as evidence, but as a part of the history of those claims to which the evidence alludes, in order to place them in their true light before the good people of Texas. We herewith report a resolution and recommend its adoption.

Resolution:

Resolved by the Senate, That there be printed in pamphlet form 1000 copies of evidences in relation to land titles, taken before A Joint Committee on Public Lands of the Congress of the late Republic of Texas, in 1840, and the letter of S. E. Austin to the Senate of Texas, dated December 5th, 1836."

On motion of Mr. Millican, the rule was suspended, report taken up and the resolution adopted.

On motion of Mr. Hill, Mr. Weatherford was excused from attendance upon the Senate from and after Friday next, the 29th inst., for the balance of the session.

On motion of Mr. Hill, A bill to authorize certain counties, cities and towns to aid in the construction of railroads by subscription to their stock, and to provide for the payment of the same, was taken up and made the special order for to-morrow morning at 9 o'clock.

A message was received from the Governor transmitting the following communication :

EXECUTIVE OFFICE, }
AUSTIN, August 26th, 1856. }

*Gentlemen of the Senate,
and House of Representatives :*

I return herewith to the Senate, in which it originated, "A bill to create the county of La Salle."

I am informed by the Commissioner of the General Land Office, that the county proposed to be made by this act, takes so much of the county of Gillespie as to reduce it below the area of nine hundred square miles. The 34th section of the 7th article of the Constitution, declares that no new county shall be established, which shall reduce the county or counties or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature.

This act does not appear ever to have received the assent of two-thirds of either House of the Legislature, and does not therefore come to me in such a manner that I am authorized to act upon it.

(Signed.) E. M. PEASE.

On motion of Mr. Guinn, the rule was suspended, the message taken up, and made the special order for to-morrow morning, at 10 o'clock.

A message was received from the House informing the Senate that the House had passed the following bills originating in the Senate, with amendments :

A bill to provide for the support of Schools ; and

A bill to incorporate the Powder-horn, Victoria and Gonzales Railroad company.

Also the following bills originating in the House :

A bill for the relief of S. R. Peck.

" " " " Joel Pierce, his heirs and assigns; and

A bill to authorize John W. Stroud to construct a set of mills on Little Cypress.

On motion of Mr. Grimes, A bill supplementary to an act making appropriations for the use and support of the State

Government for the years 1856 and 1857—was taken up and read 2d time.

Mr. Burroughs moved to strike out all relating to the payment of the Commissioners appointed to prepare a Code, &c.

On motion of Mr. Bryan, the motion was passed over informally.

On motion of Mr. McDade, the bill was made the special order for 8 o'clock to-night.

A message was received from the House informing the Senate of the passage of A bill originating in the House, creating the office of Weigher of Cotton at certain ports in this State.

On motion of Mr. Caldwell, the rule was suspended, bill taken up and read 1st time.

Rule suspended, bill read 2d time and referred to the committee on State Affairs.

On motion of Mr. Whitaker, A bill for the relief of Robert S. Patton, was taken up, read and passed to 3d reading.

Rule suspended, bill read 3d time and passed.

A message was received from the House informing the Senate of the passage of the following bills originating in the Senate :

A bill authorizing the sale of a portion of the United States bonds now in the Treasury of the State.

A bill for the erection of a Lunatic Asylum ; and

A bill for the relief of John G. Todd.

On motion of Mr. Flanagan, A bill for the relief of Solomon R. Peck, was taken up and read 1st time.

Rule suspended and bill read 2d time.

On motion of Mr. Taylor of Cass, the bill was amended by adding : "Provided, that the same has never been paid ;" and the bill passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. Bryan, A bill for the relief of Daniel R. Kincheloe, Sam'l S. Montgomery, the heirs of Jesse W. Flowers, the heirs of Virgil A. Stewart and the heirs of John Thomas, dec'd., was taken up, read and passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. Wren, the motion to reconsider a vote sustaining the veto of the Governor on A bill to authorize the District Courts to issue land certificates in certain cases, was taken from the table.

On motion of Mr. Weatherford, a call of the Senate was ordered :

Absent—Messrs. Hord and White.

On motion of Mr. Hill, A bill for the relief of the heirs of Joel Pierce—was taken up and read 1st time.

Rule suspended, bill read 2d time and passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. Wren, the call of the Senate was suspended.

The motion to reconsider carried, and the bill passed by the following vote, notwithstanding the objections of the Governor :

YEAS.—Messrs. Allen, Armstrong, Caldwell, Grimes, McCulloch, McDade, Martin, Palmer, Russell, Scarborough, Taylor of Cass, Taylor of Fannin, Truit, Weatherford, Whitaker, White and Wren—17.

NAYS—Messrs. Bryan, Burroughs, Flanagan, Guinn, Hill, Maverick, Millican and Superviele—8.

On motion of Mr. Russell, A bill for the relief of Wm. B. Jordan's heirs—was taken up, read and passed to 3d reading.

Rule suspended, bill read 3d time and passed.

Mr. Taylor of Fannin, introduced A bill for the relief of the company engaged in the Snively expedition—read 1st time.

Rule suspended and bill read 2d time.

On motion of Mr. McCulloch, the bill was amended by adding : "That the Treasurer be, and he is hereby authorized to pay the same out of any money in the Treasury, not otherwise appropriated."

Mr. Flanagan moved to lay the bill on the table—lost.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Allen, Armstrong, Caldwell, Hord, McCulloch, Martin, Maverick, Millican, Palmer, Taylor of Cass, Taylor of Fannin and Weatherford—12.

NAYS—Messrs. Bryan, Burroughs, Flanagan, Grimes, Guinn, Russell, Scarborough, Superviele, Truit and Whitaker—10.

A message was received from the House informing the Senate that the House had passed the following bills originating in the House, viz :

A bill to incorporate the Eastern Texas and Red River Insurance Company ; and

A bill to authorize John J. Johnson, to keep his mill in operation at a point on the Colorado River, opposite to block 185.

Mr. Caldwell moved to adjourn till to-morrow morning, at 8 o'clock—lost.

On motion of Mr. Taylor of Cass, the Senate adjourned till 8 o'clock, P. M.

8 O'CLOCK, P. M.

Senate met—roll called—no quorum present.

On motion of Mr. Weatherford, the Senate adjourned until 8 o'clock, to-morrow morning.

THURSDAY, August 28th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor, viz :

A bill for the relief of Mercer Faine, sr., and Wm. M. Hewit.

" " " heirs of Jno. B. Adams & Ann Adams.

" " " Francis Blundell.

" " " John G. Todd.

" " " M. P. Sharp.

" " " Robt. S. Patton.

" to incorporate the town of Augusta.

" " " Jamestown Academy.

" " " Texas Insurance and Saving Fund

Association.

A bill for the erection of a Lunatic Asylum.

" to amend the 1st section of an act for the relief of E. P. Prater.

A bill authorizing the sale of a portion of the bonds now in the Treasury of the State ; and

A bill to amend the first section of an act entitled An act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846, approved Nov. 30th, 1850.

The following communication was received from the Governor, with the accompanying documents :